PATENT
Docket No. 290.00090101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kinch et al.
Serial No.: 09/640,952
Confirmation No.: 3252
Filed: 17 August 2000

Group Art Unit: 1642
Examiner: Canella

For: EPHA2 AS A DIAGNOSTIC TARGET FOR METASTATIC CANCER (As Amended)

DECLARATION OF MICHAEL S. KINCH UNDER 37 C.F.R. §1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Michael S. Kinch, Ph.D., declare and say as follows:

1. I am a co-inventor of the above-identified U.S. Patent Application Serial No. 09/640,952, filed August 17, 2000. I am currently employed as Associate Director of Oncology at MedImmune, Inc., located in Gaithersburg, Maryland. In 1993 I received my Ph.D. in Immunology from Duke University. From 1993-1996 I was a post-doctoral fellow at The University of North Carolina at Chapel Hill in Cancer Cell Biology. From 1996 to 2001 I was a Professor of Cellular Pharmacology at Purdue University, West Lafayette, Indiana, and an Adjunct Professor in the Department of Pharmacology at Indiana University School of Medicine, Indianapolis, Indiana. I joined MedImmune in 2001.

2. On information and belief, hybridoma D7 was produced by Katherine Kilpatrick, an employee of GlaxoWellcome, Inc., and delivered to me via FedEx in the course of my employment as a professor at Purdue University and prior to the filing date of the above-identified patent application. At the time it was delivered to me, hybridoma D7 was not

EXHIBIT
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isolated, characterized or identified as such, but was present in a bulk culture that contained several hybridoma cell lines.

3. I participated in or supervised the subcloning (isolation) of murine hybridoma cell line D7 from the bulk culture. Subcloning (isolation) was performed by Nicole Zantek, a graduate student in my laboratory at Purdue University. From the date of its isolation until the date of its deposit with the American Type Culture Collection (ATCC), I participated in or supervised the identification of, characterization of, maintenance of and recordkeeping associated with murine hybridoma cell line D7.

4. On or about December 1, 2000, I contacted Jane Stewart, a research associate under my
direction at Purdue University, and instructed her to prepare samples of murine hybridoma cell line D7 for deposit with the ATCC. On information and belief, she thawed a frozen sample of the hybridoma D7 cell line and cultured additional samples of hybridoma cell line D7 required by the ATCC for deposit.

5. On December 7, 2000, Jane Stewart forwarded by Federal Express the murine hybridoma
cell line D7 to the ATCC at 10801 University Blvd., Manassas, Virginia, 20110-2209, USA. The deposit is dated December 8, 2000. The cell line was viable at the time of deposit. Murine hybridoma cell line D7 has been assigned accession number ATCC No. PTA 2755. A copy of the Receipt from the ATCC regarding this deposit is attached to this statement as Exhibit A.

6. I confirm and corroborate that murine hybridoma cell line D7 from the same preparation as the sample deposited on December 8, 2000, with the ATCC and given

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ATCC Accession No. PTA 2755, produces a monoclonal antibody that specifically binds an intracellular epitope of the receptor tyrosine kinase EphA2, described in the specification of the above-identified application at, for example, page 4, lines 24-25 and claim 4 as originally filed.

7. I further declare that all statements made herein of my own knowledge are true, and that
all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3-24-03
Date

By: _____
Dr. Michael S. Kinch
Applicant